

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York ☐

LIBERTARIAN PARTY OF ERIE COUNTY,  
MICHAEL KUZMA, RICHARD COOPER,  
GINNY ROBER, PHILIP M. MAYOR,  
MICHAEL REBMANN, EDWARD L. GARRETT

Plaintiff(s)

v.

ANDREW M. CUOMO, as Governor,  
ERIC T. SCHEIDERMAN, as Attorney General  
JOSEPH A. D'AMICO, as Superintendent

Defendant(s)

15 CV 654 - G  
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

JOSEPH A. D'AMICO  
1220 Washington Ave.  
Building 22  
Albany, New York 12226-2252

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JAMES OSTROWSKI  
Attorney for Plaintiffs  
63 Newport Ave.  
Buffalo, New York 14216  
(716) 435-8918

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

JUL 21 2015

Michael J. Roemer  
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Jeffrey Young  
 was received by me on (date) 11-11-15.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Maribeth Vellozzi, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
Joseph A. D'Amico As Superintendent on (date) 11-12-15; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 11/16/15

Jeffrey Young  
 Server's signature

Jeffrey Young  
 Printed name and title

299 Hamilton St  
Albany NY 12209  
 Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF NEW YORK

\*91055\*

## AFFIDAVIT OF SERVICE

Index no : 15 CV 654-G

Date Filed: 07/21/2015

Plaintiff(s):	LIBERTARIAN PARTY OF ERIE COUNTY, MICHAEL KUZMA, RICHARD COOPER, GINNY ROBER, PHILIP M. MAYOR, MICHAEL REBMANN, EDWARD L. GARRETT
Defendant(s):	ANDREW M. CUOMO, AS GOVERNOR, ET AL

STATE OF NEW YORK  
COUNTY OF ALBANY ss.:

Jeffrey Young, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 11/12/2015 at 12:52 PM, I served the within SUMMONS IN A CIVIL ACTION AND COMPLAINT on JOSEPH A. D'AMICO, AS SUPERINTENDENT at 1220 Washington Avenue, Bldg. 22, Albany, NY 12226 in the manner indicated below:

SUITABLE AGE: by delivering thereat a true copy of each to MARIBETH VELLOZZI, SECRETARY TO COUNSELS OFFICE of JOSEPH A. D'AMICO, AS SUPERINTENDENT, a person of suitable age and discretion. Said premises is Defendant's usual place of business within the state.

A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Black	56	5Ft7In	140 lbs
Other Features: Glasses					

I asked the person spoken to whether Defendant was in the active military service or financially dependent upon any one who is in the military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and belief are the conversations above narrated. Upon information and belief I aver that the recipient is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to and subscribed before me on 11/16/15

X Jeffrey Young  
 Jeffrey Young  
 Lightning Legal Services, LLC  
 P. O. Box 9132  
 Albany, NY 12209  
 518.463.1049

Sherie A. Searles

Notary Public

[ ] Daniel OLeary  
 Notary Public, State of NY  
 No. 01OL6293343  
 Qualified in Schenectady County  
 Commission Expires 12/9/2017

[X] Sherie A. Searles  
 Notary Public, State of NY  
 No. 01SE6179623  
 Qualified in Albany County  
 Commission expires 12/17/15

[ ] Kerry Gunner  
 Notary Public, State of NY  
 No. 01GU5038710  
 Qualified in Albany County  
 Commission expires 02/06/19